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09/751,859	12/29/2000	Oumar Nabe	17207-00007	8540

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EXAMINER
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CHEN, TE Y

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 08/27/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/751,859

Applicant(s)

Nabe et al.

Examiner

T. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 2, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 8
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**Response to Amendment**

1. This is in response to amendment filed on 06/02/2003 (paper # 7).
2. Claims 1-28 are pending for examination, claims 1, 8, 13, 20 have been amended, claims 25-28 are newly added.
3. Applicant's arguments with respect to Pasumansky et al. (U.S. Patent No. 6,477,536) for claims 1-28, have been considered but are moot in view of the new ground(s) of rejection.
4. A telephone interview has been conducted between the applicant's attorney (Mr. Daniel M. Fitzgerald) and the examiner (Susan Chen), please refer to the interview summary for reference.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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6. Claims 1-28, are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

7. As to claims 1 and 13, Applicants fail to disclose when and how tools are integrated for modeling data within the relational database to determine at least one model for a customer including at least one of a marketing model and a risk model. What's the benefit to using these tools. Thus, the invention is not described in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

8. As to claims 6 and 18, Applicants have not disclosed what type of algorithm may be used for the claimed invention.

9. As to claims 2-12 and 14-28, these claims also have the same defects as their base claims, hence they are rejected for the same reason.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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10. Claims 3-6, 15-17 and 19-20, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. As to claims 3-4 and 15-16, applicant fails to distinguish the benefits and timing of using either statistical or non-statistical tools to model the relational database.

12. As to claim 6, Applicant fails to disclose the links between “using tools to model the relational database” and “the step of generating an algorithm” for rating models.

13. As to claims 7 and 19, it is not understood what is it meant by “the step of scoring individual accounts and assigning the accounts at least one of a numerical value, a non numerical value and an economic worth”[i.e., Does it means that the scoring mechanism assigns each individual account at least three values as claimed ? Or any one of the three values? Or others?]

14. As to claims 5 and 17, these claims have the same defects as their base claims, hence are rejected for the same reason.

***Claim Rejections - 35 USC § 102***

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15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

16. Claims 1-24, are rejected under 35 U.S.C. 102(e) as being anticipated by Hanarvar et al. (U.S. Patent No. 6,546,545).

17. The following rejections are based on the examiner's best understanding.

18. As to claim 13, Hanarvar et al. (hereinafter referred as Hanarvar) discloses a system which performs the following steps, comprising:

a) at least one computer [for example, see 300, Fig. 1; col. 7, lines 30-38];

b) a server [e.g., the OLAP server (420), Fig. 22] configure to compile data from multiple source [e.g., the OLAP Data (430), Fig.22] to create a relational database, using

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tools to model data within the relational database, [e.g., Abstract, lines 12-14; col. 6, lines 48-55], Score the modeled data [e.g. col. 5, line 7], integrate the scores into an multi-dimensional structure for a customer including at least one of marketing model and a risk model [e.g., the Credit Card Propensity to Buy Score (92), the Risk Score(93), Fig. 10] and provide access to the multi-dimensional structure via a user interface [e.g., the GUI (450), Fig. 23; col. 21, lines 12-14];

c) a network connecting the computer to the server [e.g. the Distribution System of Fig. 22, col. 8, lines 15-16].

19. As to claim 14, Honarvar further disclosed the server configured to use or compile data from user input [col. 20, lines 29-36].

20. As to claim 15, Honarvar further disclosed the server configured to use statistical analysis software to model data within the relational database [e.g., the Score Models Analysis, Abstract, lines 12-14; col. 6, lines 48-55; col. 4, lines 31-38; Fig(s) 2-5].

21. As to claim 16, Honarvar further disclosed the server configured to use non-statistical analysis software to model data within the relational database [e.g., the decision tree analysis is a non-statistical analysis; Abstract, lines 12-14; col. 4, lines 6-9, Fig. 6].

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22. As to claim 17, Honarvar further disclosed the server configured to use rule based methods to model data [e.g. the rule-driven decision points of the decision trees, col. 5, lines 11-12].

23. As to claim 18, Honarvar further disclosed the server configured to create an algorithm for use in the scoring models [e.g., the risk score output algorithm, col. 4, lines 44-47].

24. As to claim 19, Honarvar further disclosed the server configured to score individual accounts and assign the accounts a numerical value [Fig. 4A-4B; col. 4, lines 16-23].

25. As to claim 20, Honarvar further disclosed the server configured to assign account to classes [e.g. the strategy version for each customer/accounts, col. 22, lines 1-5].

26. As to claim 21, Honarvar further disclosed the server configured to define the dimensions of the structure [e.g. Fig. 12].

27. As to claim 22, Honarvar further disclosed the server configured to transform modeled data into information for decision making [col. 20, lines 29-44].



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28. As to claim 23, Honarvar further disclosed the server configured to allow access to information within the multi-dimensional structure via a graphical user interface [col. 21, lines 9-11].

29. As to claim 24, Honarvar further disclosed the server configured to create graphs and track results [e.g. the crated new strategy version to be presented by a computer desktop, col. 21, lines 20-34; the monitor mechanism provided by the decision management system allows an end user to track and refine the system performance results. col. 6, lines 56-65].

30. As to claims 1-12, these claims recite similar features as claims 13-24, hence are rejected for the same reason.

***Claim Rejections - 35 USC § 103***

31. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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32. Claims 25-28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanarvar et al. (U.S. Patent No. 6,546,545).

33. As to claims 25-28, Hanarvar discloses the claimed features as discussed above, except that he did not expressively teach that the market and risk models includes a plurality of sub-model as claimed by the instant applicant. However, Hanarvar teaches that "any data structure which is equivalent to a matrix in providing the required functionality for defining strategy and analyzing the movement of clients will be appropriate. Therefore, generally, many different types of data structures providing an intersection between categories and test groups can be used" [col. 10, lines 12-20]. As such, it would have been obvious to one of ordinary skill in the art at the time the invention was made to included the claimed models in Hanarvar's marketing and risk data model, because by doing so, the modified system can meet diverse end user's requirements and applications.

#### ***Response to Arguments***

34. The examiner disagrees the Applicant's arguments with respect to the 101 rejections, because the Applicant still failing to identify the mechanism for integrating various tools to determine at lest one risk and marketing model for a customer to access a relational database. As such, the specification is not in such a way as to enable one skilled

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in the art to which it pertains, or with which it is most nearly connected to make/use the invention.

***Conclusion***

35. To expedite the process of examination, the examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 112) set forth by the examiner prior to the office action, that applicant should provide and link to the most specific page and line numbers of the disclosure where best support is found (see 35 U.S.C. 132).

36. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Chen whose telephone number is (703) 308-1155. The examiner can normally be reached Monday through Friday from 7:30 A.M. to 4:30 P.M.

38. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436. The fax phone numbers for this group are: (703) 746-7238 (After Final Communication); (703) 746-7239 (Official Communications); and (703) 746-7240 (For Status Inquiries, Draft Communication).

39. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Susan Chen

Aug. 20, 2003

  
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